

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 15-03419-CV-S-BP
)
)
TIMOTHY O'LAUGHLIN,)
)
Defendant.)

ORDER

Before the Court are two pro se Motions filed by Defendant and received by the Court on November 2, 2020. In the first motion, Defendant writes, “Order release from civil commitment. Initiate court order 18 USCS 4247(h) discharge.” (Doc. 64.) In the second motion, Defendant asks the Court to “Please grant the 18 USCS § 4247(h) discharge as soon as possible” and to “Initiate the order for 18 USCS § 4247(h) discharge,” alleging he “is unimpaired.” (Doc. 65.) This matter has been referred to the undersigned for processing and handling. Upon review, the motions will be denied without prejudice as unauthorized by law.

At present, Defendant is confined at the Federal Medical Center in Rochester, Minnesota pursuant to a commitment under 18 U.S.C. § 4246. Defendant appealed the order of commitment, but the Court of Appeals affirmed, finding the order to be factually supported. *See United States v. O'Laughlin*, 695 F. App'x 172 (8th Cir. 2017). Consequently, Defendant is not authorized to personally file a motion for a hearing to determine whether he should be discharged. *United States v. O'Laughlin*, 934 F.3d 840, 841 (8th Cir. 2019) (Section 4247(h) requires that “motions for release from civil commitment be filed by an attorney or legal guardian for the committed person”), *cert. denied*, 140 S.Ct. 2535 (Mar. 23, 2020). Furthermore, the Federal Public Defender has been

appointed to represent Defendant in this matter. Thus, Defendant has counsel, who may file a motion requesting a discharge hearing, if appropriate.

Accordingly, Defendant's *pro se* Motions (docs. 64, 65) seeking discharge under 18 U.S.C. § 4247(h) are **DENIED** without prejudice as unauthorized by law. The Clerk's Office is directed to send a copy of this Order to Defendant via regular mail.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: November 9, 2020